

the lobby of a Washington hotel during the pendency of additional comment period. Hartman said he did not recall ever meeting with Derickson or Ackley outside of the Department.

Hartman told investigators that he repeatedly told Derickson that local community opposition was a stumbling block to approval of the application. Hartman also said he had specifically suggested to Derickson at various times that the applicants should consider paying more money to the surrounding towns in the government services agreement if that would help to ameliorate local opposition. Derickson denied that Hartman made such suggestions, but Ackley stated that Hartman may have. Hartman said that, at first, he felt Derickson understood the problem and would try to address it. Over time, however, he felt that no efforts were being made to try to change the community feeling. Based on their inaction and later discussions, Hartman believed they had instead adopted a strategy of arguing the community opposition was irrelevant.

Hartman reported that in one phone call, he revealed to Derickson that the Secretary's discretion was being discussed as the legal basis for a decision, and that the DOI attorneys felt that Section 20 was a weak basis for a denial. Hartman confirmed that he probably even said that Duffy was the main advocate for giving greater weight to local community opposition and that his opinion was very important.

On May 8, 1995, Chairwoman Gurnoe of the Red Cliff tribe wrote to Skibine reminding him that the "Secretary had informed" them a short delay was to be expected to review additional comments submitted before April 30. She asked to see the comments and for the appropriate date when DOI's review would be complete. On June 14, Skibine responded to Gurnoe by letter, stating that the analysis of the "detrimental" prong of the two-part Section 20 analysis would be completed by the end of the month.